

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2014-49

**FLYTECH INC.
P.O. Box 7749
Moreno Valley, CA 92552
CHARLES D. CLARK
President/Qualifying Manager**

**Company Registration Certificate No. PR 6604,

and**

**CHARLES DAN CLARK
24870 Highwood Street
Moreno Valley, CA 92551**

Operator's License No. OPR 10356


Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 21, 2014.

It is so ORDERED July 22, 2014.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2014-49

13 **FLYTECH INC.**
P.O. Box 7749
14 Moreno Valley, CA 92552
15 **CHARLES D. CLARK**
President/Qualifying Manager

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Company Registration Certificate No. PR 6604,

17 and

18 **CHARLES DAN CLARK**
24870 Highwood Street
19 Moreno Valley, CA 92551

20 Operator's License No. OPR 10356

21 Respondents.
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24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
28 Pest Control Board. She brought this action solely in her official capacity and is represented in

1 this matter by Kamala D. Harris, Attorney General of the State of California, by Amanda Dodds,
2 Senior Legal Analyst.

3 2. Respondents Flytech Inc. and Charles Dan Clark are representing themselves in this
4 proceeding and have chosen not to exercise their right to be represented by counsel.

5 3. On or about December 29, 2000, the Structural Pest Control Board issued Operator's
6 License Number OPR 10356 to Charles Dan Clark (Respondent). The Operator's License was in
7 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
8 2015, unless renewed.

9 4. On or about August 30, 2012, the Structural Pest Control Board issued Company
10 Registration Certificate Number PR 6604 in Branch 2 to Flytech Inc., with Charles D. Clark as its
11 President and Qualifying Manager (Respondent). The Company Registration Certificate was in
12 full force and effect at all times relevant to the charges brought herein.

13 5. On or about April 24, 2001, the Structural Pest Control Board issued Company
14 Registration Certificate Number PR 3910 in Branch 2 to Flytech Pest Control, with Charles D.
15 Clark as its Owner and Qualifying Manager. The Company Registration Certificate was
16 cancelled on August 30, 2012 due to its re-registration as a corporation under the name Flytech
17 Inc.

18 JURISDICTION

19 6. Accusation No. 2014-49 was filed before the Structural Pest Control Board (Board),
20 Department of Consumer Affairs, and is currently pending against Respondents. The Accusation
21 and all other statutorily required documents were properly served on Respondents on April 21,
22 2014. Respondents timely filed their Notice of Defense contesting the Accusation. A copy of
23 Accusation No. 2014-49 is attached as Exhibit A and incorporated herein by reference.

24 ADVISEMENT AND WAIVERS

25 7. Respondents have carefully read, and understand the charges and allegations in
26 Accusation No. 2014-49. Respondents have also carefully read, and understand the effects of this
27 Stipulated Settlement and Disciplinary Order.

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8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondents admit the truth of each and every charge and allegation in Accusation No. 2014-49.

11. Respondents agree that their Operator's License and Company Registration Certificate are subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondents understand and agree that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondents. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Company Registration Certificate No. PR 6604 issued to Respondent Flytech Inc., and Operator's License Number OPR 10356 issued to Charles Dan Clark (Respondents) are revoked. However, the revocation is stayed and Respondents' Company Registration Certificate and Operator's License are placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondents shall obey all federal, state and local laws, as well as all laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondents leave California to reside outside this state, Respondents must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers.** Respondents shall notify all present and prospective employers of the decision in case number 2014-49 and the terms, conditions and restrictions imposed on Respondents by said decision.

1 Within 30 days of the effective date of this decision, and within 15 days of Respondents'
2 undertaking new employment, Respondents shall cause their employer to report to the Board in
3 writing acknowledging the employer has read the decision in case number 2014-49.

4 5. **Notice to Employees.** Respondents shall, upon or before the effective date of this
5 decision, post or circulate a notice to all employees involved in structural pest control operations
6 which accurately recite the terms and conditions of probation. Respondents shall be responsible
7 for said notice being immediately available to said employees. "Employees" as used in this
8 provision includes all full-time, part-time, temporary and relief employees and independent
9 contractors employed or hired at any time during probation.

10 6. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
11 **Manager.** Respondents are prohibited from serving as an officer, director, associate, partner,
12 qualifying manager or branch office manager of any registered company other than Flytech Inc.
13 during the period that discipline is imposed on Company Registration Certificate No. PR 6604
14 and Operator's License Number OPR 10356.

15 7. **Cost Recovery.** Respondents shall pay to the Board costs associated with its
16 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
17 amount of \$792.50. Respondents shall be permitted to pay these costs in a payment plan
18 approved by the Board, with payments to be completed no later than six (6) months prior to the
19 end of the probation term.

20 8. **Continuing Education.** Respondent Charles Dan Clark is prohibited from using the
21 continuing education courses completed with Young's Seminars on December 14, 2013,
22 December 15, 2013, and December 16, 2013, towards the renewal of Operator's License OPR
23 10356 which is set to expire on June 30, 2015.

24 9. **Violation of Probation.** Should Respondents violate probation in any respect, the
25 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and
26 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
27 Respondents during probation, the Board shall have continuing jurisdiction until the matter is
28 final, and the period of probation shall be extended until the matter is final.

10. **Completion of Probation.** Upon successful completion of probation, Respondents' license/certificate will be fully restored.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 5-5-14

FLYTECH INC. Charles D. Clark
FLYTECH INC.
CHARLES D. CLARK
President/Qualifying Manager
Respondent

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Operator's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 5-5-14

Charles D. Clark
CHARLES D. CLARK
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: 5/9/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Amanda Dodds
AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

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